

UNITED STATES DISTRICT COURT
EASTERN DISTRICT NEW YORK

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RICHARD ROE,

Plaintiff,

- against -

ST. JOHN'S UNIVERSITY AND JANE DOE,

Defendants.
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Case No. 19-cv-04694 (PKC)(RER)

**NOTICE OF MOTION
TO DISMISS AND TO CORRECT
THE CAPTION OF THE SECOND
AMENDED COMPLAINT**

TO:

The Law Office of Peter G. Eikenberry
7 Hanover Square, 8th Floor
New York, New York 10004
Attorney for Plaintiff

PLEASE TAKE NOTICE that the undersigned attorneys for defendant St. John's University ("SJU") will apply before the Honorable Judge Pamela K. Chen of the Eastern District of New York at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, 11201, in Courtroom 4F, on a date to be determined by the Court, for an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing the First Amended Complaint in its entirety as against St. John's University, with prejudice, for failure to state a cause of action or in the alternative, for an Order pursuant to Federal Rule of Civil Procedure 10(a) and 17(a) directing the Plaintiff to amend the caption to reflect his legal name. In support of this motion, the Defendant SJU relies upon the accompanying Memorandum of Law, the declaration of Joshua S. Hurwit, and supporting exhibits.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's March 27, 2020, answering papers, if any, are to be served on or before June 29, 2020, and reply papers, if any, are to be served on or before July 13, 2020.

Dated: New York, New York.
May 8, 2020

Respectfully submitted,

DAVIS WRIGHT TREMAINE LLP

By: /s/ Lyle S. Zuckerman
Lyle S. Zuckerman, Esq.

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